

ORIGINAL

EX PARTE OR LATE FILED

*The Caucus
For Television
Producers, Writers & Directors*

POST OFFICE BOX 11236, BURBANK, CALIFORNIA 91510-1236
PHONE (818) 843-7572 FAX (818) 846-2159
<http://www.caucus.org>

June 27, 2002

RECEIVED

JUL -1 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ELECTRONICALLY FILED

Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20054

Re: **Ex parte Notice: Consolidated Application of EchoStar
Communications Corporation, Hughes Electronics Corporation, and
General Motors Corporation for Authority to Transfer Control, CS
Docket No. 01- 48**

**In the Matter of Cross-Ownership of Broadcast Stations and
Newspaper MM Docket No. 01-2 5**

In the Matter of Definition of Radio Markets MM Docket No. 00-244

Dear Ms. Dortch:

This letter memorializes a June 25 and 26, 2002, presentation by Len Hill and Margaret Cone, representing The Caucus for Television Producers, Writers & Directors, to the following individuals: Commissioner Martin, Media Bureau representatives Ken Ferree, John Berresford, Debra Sabourin, Mania Baghdadi, Bob Ratcliffe, Roger Holberg, Ava Holly Berman, Dan Hodes, Royce Sherlock, Paul Gallant, Jamila Bess Johnson and George Williams, Susan Eid and Stacy Robinson.

No. of Copies rec'd
List ABCDE

071

In the meetings, Mr. Hill discussed the effects of media consolidation on the creative community responsible for creating television content. He cited the record of the 1990 En Banc, specifically the testimony of Bob Wright and Bob Iger. It was Mr. Hill's position that when the pleadings of the network presidents are considered in light of their recent practices, the Commission might well conclude that the networks presentation was less than candid. Consolidation of networks and studios into vertically and horizontally linked media titans has devoured competition, destroyed independent entrepreneurs and diminished diversity of supply.

Besides offering several anecdotal stories of the creative process experienced by independent producers, i.e. Marcy Carsey and *The Cosby Show* and Diane English and *Murphy Brown*, Mr. Hill gave two recent examples of the impact of corporate consolidation. The first example is ABC's fall pilot production. Approximately eighty percent of those pilots were produced by Touchstone Television, an entity owned by Disney Corporation. The second example relates to Adam Sandler's television series negotiations with NBC production. In a well-publicized case, NBC insisted that any contractual provision requiring arms length negotiations for off network use not be included.

Several questions were asked whether independent cable networks provided more opportunity for the exploitation of creative work. Mr. Hill explained that the number of cable outlets was not relevant but rather ownership of cable systems. He used the analogy of a train. Regardless of the number of trains, the direction that the train is moving depends on the conductor. In the case of independent cable networks, a majority are owned by a few corporate entities and broadcast networks.

Lastly, Mr. Hill was asked his comments on several matters before the Commission: EchoStar/DirecTV, Newspaper/Broadcast Cross-Ownership and Radio Definition. Mr. Hill indicated that The Caucus has not formally taken a position on these matters but asserted that The Caucus has concerns over media consolidations and its impact in different areas of media, communication and society.

Sincerely,

Len Hall
On behalf of the Caucus

cc: Commissioner Martin
Kenneth Ferree
Debra Sabourin
John Berresford
Mania Baghdadi
Bob Ratcliffe
Roger Holberg

Ava Holly Berman
Dan Holdes
Royce Sherlock
Paul Gallant
Jamila Bess Johnson
Williams George